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10/670,933	09/25/2003	James S. Voss	200208344-1	2044

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FORT COLLINS, CO 80527-2400

EXAMINER
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KHAN, USMAN A

ART UNIT	PAPER NUMBER
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2622

NOTIFICATION DATE	DELIVERY MODE
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09/30/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/670,933	<b>Applicant(s)</b> VOSS ET AL.	
	<b>Examiner</b> USMAN KHAN	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,7-10,13-15 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,10 and 15 is/are rejected.
- 7) ☒ Claim(s) 7-9,13,14 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **Response to Arguments**

Applicant's arguments filed on 07/01/2008, with respect to the rejection(s) of claim(s) 1, 7 – 10, 13—15, and 18 has been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made. Since this is a new grounds of rejection, which was not necessitated because of an applicant amendment, this action is non-final.

**Claims 7, 13, and 18** applicant has pointed to the appropriate sections in the specification to overcome the objections to claims 7, 13, and 18, hence the objections to claims 7, 13, and 18 are withdrawn.

**Claims 8, 9, and 14** applicant has amended the claim to overcome the objections to claims 8, 9, and 14, hence the objections to claims 8, 9, and 14 are withdrawn.

### **DETAILED ACTION**

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants admitted prior art (hereinafter AAPA also Note: the document being used in the discussion below is the application as filed to rely to the pages and columns in the AAPA) in view of Sugimoto et al. (US PgPub 2002/0107850).

Regarding **claim 1**, AAPA teaches a method for associating an image with a video file (page 2 lines 1 – 22; hybrid solution with multi-mode image file i.e. “described as “multi-mode” operation and can result in video files (i.e. multi-mode image files) being created that contain embedded high-resolution images”), the method comprising: creating a multi-mode image file by capturing sequences of relatively low-resolution images of an observed scene and capturing relatively high-resolution images of the observed scene between the capturing of the sequences of relatively low-resolution images (page 2 lines 1 – 22; hybrid solution with multi-mode image file i.e. “described as “multi-mode” operation and can result in video files (i.e. multi-mode image files) being created that contain embedded high-resolution images”); extracting one of the relatively high-resolution images from the multi-mode image file (page 2 lines 1 – 22; extracting a high-resolution image from the multi-mode image file); storing the extracted relatively high-resolution image as an independent image (page 2 lines 1 – 22; use the extracted image as a conventional still image in similar manner to an image captured using a standard digital still camera; it is inherent that a still image in a standard digital still camera is saved in some memory).

However, AAPA fails to teach identifying **at least one of** a filename **or** a storage location of the multi-mode image file and storing an indication of the **at least one of** a

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filename or a storage location of the multi-mode image file as metadata associated with the extracted relatively high-resolution image.

Sugimoto et al., on the other hand teaches identifying at least one of a filename or a storage location of the image file and storing an indication of the at least one of a filename or a storage location of the image file as metadata associated with the extracted image.

More specifically, Sugimoto et al. teaches identifying at least one of a filename or a storage location of the image file and storing an indication of the at least one of a filename or a storage location of the image file as metadata associated with the extracted image (paragraph 0038).

Therefore, one of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Sugimoto et al. with the teachings of AAPA since in paragraph 0017 Sugimoto et al. teaches that more content can be stored. Also, using metadata improves searching for images and improves categorizing of the images.

Regarding **claim 10**, AAPA teaches a system for associating an image with a video file (page 2 lines 1 – 22; hybrid solution with multi-mode image file i.e. “described as “multi-mode” operation and can result in video files (i.e. multi-mode image files) being created that contain embedded high-resolution images”), the system comprising: means for identifying a separate still image file of a multi-mode image file from which a relatively high-resolution image has been extracted (page 2 lines 1 – 22; hybrid solution

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with multi-mode image file i.e. “described as “multi-mode” operation and can result in video files (i.e. multi-mode image files) being created that contain embedded high-resolution images”), the multi-mode image file comprising sequences of relatively low-resolution images of an observed scene and relatively high-resolution images of the observed scene that were captured between the sequences of relatively low-resolution images (page 2 lines 1 – 22; hybrid solution with multi-mode image file i.e. “described as “multi-mode” operation and can result in video files (i.e. multi-mode image files) being created that contain embedded high-resolution images”).

However, AAPA fails to teach means for identifying **at least one of** a separate still image file a filename **or** a storage location **and** means for automatically storing an indication of the **at least one of** a filename **or** a storage location of the multi-mode image file as metadata associated with the extracted relatively high-resolution image.

Sugimoto et al., on the other hand teaches means for identifying **at least one of** a still image file a filename **or** a storage location **and** means for automatically storing an indication of the **at least one of** a filename **or** a storage location of the image file as metadata associated with the extracted relatively high-resolution image.

More specifically, Sugimoto et al. teaches means for identifying **at least one of** a still image file a filename **or** a storage location **and** means for automatically storing an indication of the **at least one of** a filename **or** a storage location of the image file as metadata associated with the extracted relatively high-resolution image (paragraph 0038).

Therefore, one of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Sugimoto et al. with the teachings of AAPA since in paragraph 0017 Sugimoto et al. teaches that more content can be stored. Also, using metadata improves searching for images and improves categorizing of the images.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants admitted prior art (hereinafter AAPA also Note: the document being used in the discussion below is the application as filed to rely to the pages and columns in the AAPA) in view of Examiners Official Notice and in further view of Sugimoto et al. (US PgPub 2002/0107850).

Regarding **claim 15**, AAPA teaches a system, the system comprising: means for identifying a separate still image file of a multi-mode image file from which a relatively high-resolution image has been extracted (page 2 lines 1 – 22; hybrid solution with multi-mode image file i.e. “described as “multi-mode” operation and can result in video files (i.e. multi-mode image files) being created that contain embedded high-resolution images”), the multi-mode image file comprising sequences of relatively low-resolution images of an observed scene and relatively high-resolution images of the observed scene that were captured between the sequences of relatively low-resolution images (page 2 lines 1 – 22; hybrid solution with multi-mode image file i.e. “described as “multi-mode” operation and can result in video files (i.e. multi-mode image files) being created that contain embedded high-resolution images”).

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However, AAPA fails to teach that the system is stored on a computer-readable medium.

The examiner takes Official Notice that it is old and well known in the art that camera systems have some sort of computer-readable medium such as a CPU with ROM/RAM/ or some other sort of internal memory.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an internal computer-readable medium for operation of the camera system and/or buffering and/or saving of images.

However, AAPA in view of Examiners Official Notice fails to teach means for identifying **at least one of** a separate still image file a filename **or** a storage location **and** means for automatically storing an indication of the **at least one of** a filename **or** a storage location of the multi-mode image file as metadata associated with the extracted relatively high-resolution image.

Sugimoto et al., on the other hand teaches means for identifying **at least one of** a still image file a filename **or** a storage location **and** means for automatically storing an indication of the **at least one of** a filename **or** a storage location of the image file as metadata associated with the extracted relatively high-resolution image.

More specifically, Sugimoto et al. teaches means for identifying **at least one of** a still image file a filename **or** a storage location **and** means for automatically storing an indication of the **at least one of** a filename **or** a storage location of the image file as metadata associated with the extracted relatively high-resolution image (paragraph 0038).



Therefore, one of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Sugimoto et al. with the teachings of AAPA in view of Examiners Official Notice since in paragraph 0017 Sugimoto et al. teaches that more content can be stored. Also, using metadata improves searching for images and improves categorizing of the images.

### **Allowable Subject Matter**

**Claims 7 – 9, 13 – 14, and 18** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding **claim 7**, the prior art of record fails to teach or fairly suggest adding a graphical association designation to the extracted relatively-high resolution image that indicates to a user that the extracted relatively high-resolution image was extracted from a multi-mode image file; in combination with other elements of the claim.

Regarding **claims 8 - 9**, these claims are objected to as being dependent from objected claim 7.

Regarding **claim 13**, the prior art of record fails to teach or fairly suggest means for adding a graphical association designation to the extracted relatively-high resolution image that indicates to a user that the extracted relatively high- resolution image was extracted from a multi-mode image file; in combination with other elements of the claim.

Regarding **claim 14**, this claim is objected to as being dependent from objected claim 13.

Regarding **claim 18**, the prior art of record fails to teach or fairly suggest logic configured to add a graphical association designation to the extracted relatively-high resolution image that indicates to a user that the extracted relatively high-resolution image was extracted from a multi-mode image file, the association designation comprising at least one of an icon that is visible when the image of the separate still image file is viewed and an indicator to the filename of the separate still image file; in combination with other elements of the claim.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usman Khan whose telephone number is (571) 270-1131. The examiner can normally be reached on Mon-Thru 6:45-4:15; Fri 6:45-3:15 or Alt. Fri off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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09/24/2008  
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